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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/129,675	08/05/1998	ELIYAHOU HARARI	HARI.006USS	4949

66785 7590 01/03/2007  
PARSONS HSUE & DE RUNTZ, LLP - SANDISK CORPORATION  
595 MARKET STREET  
SUITE 1900  
SAN FRANCISCO, CA 94105

EXAMINER
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TRAN, ANDREW Q

ART UNIT	PAPER NUMBER
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2824

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/03/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

**Application No.**

09/129,675

**Applicant(s)**

HARARI ET AL.

**Examiner**

Andrew Q. Tran

**Art Unit**

2824

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 63-111 is/are pending in the application.
- 4a) Of the above claim(s) 92-111 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 63-91 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 October 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date See Continuation Sheet.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_.

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :07/10/2006, 07/28/2006 and 11/22/2006.

## DETAILED ACTION

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

### *Drawings*

The drawings are objected to because:

In Fig. 1A, circuit block 31 should be relabeled as --Memory Controller--. In Fig. 1B, circuit block 31 should be relabeled as --Memory Controller Chip--, and circuit block 40 should be relabeled as --Interface Circuit--. In Fig. 2, circuit block 31 should be relabeled as --Memory Controller--. In Fig. 3A, circuit block 233 should be relabeled as --Address Decoder--, and circuit blocks 211 and 213 should be relabeled as --Memory Sector--. In Fig. 3B, signal line 235 should be relabeled as --From Address Decoder--. In Fig. 6, next to reference numeral 31, the legend "Controller" should be relabeled as --Memory Controller--, and circuit block 515 should be relabeled as --REC & S/P--. In Fig. 7, next to reference numeral 31, the legend "Controller" should be relabeled as --Memory Controller--. In Fig. 12, circuit block 1081 should be relabeled as --Row Decoder--, and circuit block 1119 should be relabeled as --Erase Decoder--. In Fig. 17A, circuit blocks 1417 and 1415 should be relabeled as --Erase Decoder-- and --Program Decoder--, respectively, and circuit block 1111 should be relabeled as --Internal Address Bus--. And in Fig. 17B, the outputs of circuit block 1480 should be relabeled as --Read Data Bit 1-- to --Read Data Bit L-- , respectively.

In the Amendment of October 25, 2006 (page 23, 2<sup>nd</sup> paragraph), Applicant alleges that a number of objections to the drawings are believed to be in error. Under 37 CFR 1.81(a)-(d),

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Applicant's allegations are deemed not to be persuasive because the above clarifications in the drawings are necessary for a clear understanding of the invention, and not to obscure it.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

The disclosure is objected to because of the following informalities:

At page 6, line 17, "Fig. 2A" should be changed to --Fig. 3A-- (note that there is no Fig. 2A" in the application). At page 9, line 13, "circuit 23" should be changed to --circuit 57--.

Appropriate correction is required.

***Double Patenting***

Claims 63-91 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 19-24, 26-27 and 36 of U.S. Patent No. 5,991,517. An obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but an examined application claim is not patentably distinct from the reference claim(s) because the examined claim is either anticipated by, or would have been obvious over, the reference claim(s). See e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985). See Office Action of July 12, 2006, page 4-6.

Applicant indicates that a Terminal Disclaimer is being filed with the present response in said Amendment of Amendment of October 25, 2006 (page 23, 4<sup>th</sup> paragraph). However it is believed that said Terminal Disclaimer has not shown up in the file up-to-date.

***Claim Rejections - 35 USC § 102***

Claims 63-91 are rejected under 35 U.S.C. 102(b) as being anticipated by Koyama et al. (JP Kokai 62-188100 with Applicant's Translation submitted in Information Disclosure Statement filed October 30, 2001, hereafter "Koyama"). See Office Action of July 12, 2006, page 6-8.

Pending an approval of the TC Director as per MPEP § 1003(6), the Applicant has failed to overcome the prior art rejection with explanations as to why his claims are novel over the prior art, as alleged.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Q. Tran whose telephone number is (571) 272-1885. The examiner can normally be reached on Mon - Fri 8:30 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard T. Elms can be reached on (571) 272-1869. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Andrew Q Tran  
Primary Examiner  
Art Unit 2824

at  
December 22, 2006